

Appl. No. 10/758,537
Response of October 13, 2005
Reply to Office Action of August 10, 2005

The applicant traverses the Examiner's rejection of claims 1 through 3 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Number 5,862,956 to Brandenburg et al. Claim 1 of the application defines a dispensing device with a "first hinge means" and a "second hinge means." In claim 1, the cover is "releasably attached to the base by the first hinge means" and the "movement of the cover defined by first hinge means acts to operate the valve." The cover is also attached to the base by the second hinge means, and movement of the cover defined by said second hinge means opens the dispenser. The first hinge means must be detached in order to operate the second hinge means.

In operation of the applicant's invention the hinges cooperate as follows. The first hinge means releasably attaches to the base. The first hinge means operates as a hinge when the cover is attached to the base. The cover of the applicant's invention is pressed and the first hinge means allows the cover to hinge and operate the valve to dispense the contents of the dispenser. The second hinge means operates as a hinge when the first hinge means is detached from the base. When the first hinge means is detached from the base, the second hinge means provides a point of rotation for the cover to open and allow for access into the dispenser for the replacement of the dispenser's contents.

In Brandenburg et al. there are also two hinge means. A first hinge, 26, 28, is comparable in function to the "second hinge means" of the applicant's claim 1, because rotation of the door 16 about this hinge 26, 28 opens the dispenser. However, the only similar function of the second hinge, 32, 34 in Brandenburg et al. to the "first hinge means" of the applicant's

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claim 1 is that the second hinge 32, 34 in Brandenburg et al. is releasable and must be released in order to operate the first hinge 26, 28 to open the cover. Otherwise, the structure of the second hinge 32, 34 in Brandenburg et al. is unlike the structure of the applicant's "first hinge means" and provides a different function in relationship to the cover and base.

The second hinge in Brandenburg et al. does not satisfy the structural requirements of the first hinge of the applicant's invention. The second hinge in Brandenburg et al. enables a third structure, the "push handle 18," to pivot from the cover or door 16. The second hinge in Brandenburg et al. merely operates the push handle, not the cover, to dispense the contents of the dispenser and connects the cover to a complex latching mechanism, not to its base. The structural requirement of the first hinge means of applicant's invention to not only connect the cover to its base but also to define the movement of the cover to operate the valve and dispense the dispenser's contents is a defining feature the applicant's invention.

The second hinge 32, 34 in Brandenburg et al. hinges the operating handle 18 to the door 16, and not the door 16 to the base 14. The applicant's "second hinge means" hinges the door to its base. Also, in Brandenburg et al., the door 16 does not move about the second hinge 32, 34 to operate the valve. In Brandenburg et al., the valve is operated by the handle 18, not movement of the door 16. However, the applicant's valve is operated by the movement of the door as claim 1 states "movement of the cover defined by first hinge means acts to operate the valve."

In the applicant's invention the first hinge means releasably latches directly to the base thereby eliminating the complex latching mechanism of the cited art. Furthermore, in the


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applicant's invention, the first hinge means not only latches the cover to its base but also acts as a hinge to the cover so that when the cover is pressed, the first hinge means hinges activating the valve and dispensing the contents of the dispenser. This multiple functions performed by the first hinge means acts to eliminate the handle lever mechanism of the cited art entirely.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration is requested.

Respectfully submitted,

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